

## AMENDMENT TO UNDERTAKING AGREEMENT

## (SUBDIVISION IMPROVEMENTS)

	TRACT NO.	061206	_ PA	RCEL MAP NO	)		
		MENT made this					_ by
and bet Subdiv		Lancaster, (the "C	City") and	Forestar Dorac	io Skies, LLC	2, (the	
			RECITA	LS			
	subject to certain	y approved Tentat a conditions of appruction of certain	proval set for	th in Resolution	No. <u>91</u> -	<u>-08,</u> which	ntative
	-	y and Subdivider , 20 <u>11</u> ("Agreen		hat certain Unde	rtaking Agree	ement dated	
before	C. The Agreement requires Subdivider to complete all Work required thereunder on or May 26, 2012 ("Completion Date").						
	D. Subdivider desires to extend the Completion Date.						
	E. City des	sires to impose ad	ditional cond	itions on the Ma	p.		
the Sta	-	greement is execund applicable City		to the provisions	of the Subdi	vision Map	Act of
satisfa	al of the Map an	EFORE, in consider of the acceptance by the Subdividual the parties agree a	ce of the dec	lication s therein	offered, and	in order to	insure
	1. Performan	ce of Work.					
	Section 1 of the	Agreement is am	ended and re	stated to read as	follows:		
	Parcel Map No. and gutters, crefacilities, provissigns, parkway required by the Tract/Parcel Mamore particular and as more parall improvement	vider, at its sole con N/A to so sion of an undergotrees, a water sy to ordinances of ap, together with ally shown in the rticularly shown in the sticularly shown in the stic	by the grading sidewalks, in ground utility stem and all the City and appurtenance improvement the improvement the improvement the "Attachnetic description in the improvement the improvement the improvement the "Attachnetic description in the improvement the improvement the "Attachnetic description in the improvement the improvement the "Attachnetic description in the improvement	stallation of drand street lighting related facilities don't be contingencied plans for contingent plans for senent to PC Resource stallation of drand plans for senent to PC Resource stallation of drand plans for senent to PC Resource stallation of drand plans for senent to PC Resource stallation of drand plans for senent to PC Resource stallation of drand plans for senent to PC Resource stallation of drand plans for senent plans for senent to PC Resource stallation of drand plans for senent pl	of streets, containage and ing system, in s, and such of council in the s and engine angencies and said Tract/Parolution No	nstruction of sanitary seen stallation of their improve approval coering costs are engineering cel Map as which with the sanitary and the sanitary and the sanitary are many sanitary and the sanitary are many sanitary and the sanitary are sanitary as a sanitary and the sanitary are sanitary and the sanitary are sanitary and the sanitary are sanitary as a sanitary and the sanitary are sanitary as a sanitary are sanitary as a sanitary and the sanitary are sanitary as a sanitary are sanitary as a sanitary and the sanitary are sanitary as a sanitary and the sanitary are sanitary as a sanitary and the sanitary are sanitary as a sanitary are sanitary as a sanitary and the sanitary are sanitary as a sanitary and the sanitary are sanitary as a sanitary and the sanitary and the sanitary are sanitary as a sanitary and the sanitary and the sanitary and the sanitary and the sanitary are sanitary as a sanitary and the sanitary and the sanitary and the sanitary are sanitary as a sanitary and the sanitary and the sanitary are sanitary as a sanitary and the sanitary and the sanitary are sanitary as a sanitary and the sa	f curbs werage f street ements of said and as g costs well as
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Subdivider will do all work and furnish all materials necessary, in the opinion of the City Engineer, to complete said Improvements in accordance with the plans and specifications on file in the office of the City Engineer or with any changes or modifications required or ordered by the City Engineer which, in his opinion, are necessary or required to complete the Improvements (the "Work"). Subdivider shall maintain the Improvements and adjacent public facilities clear of all debris, weeds, and other materials which inhibit the performance of the Improvements or become a public nuisance. Should the Subdivider fail to act promptly in accordance with this requirement the City may, at its option, perform the necessary work and the Subdivider shall pay to the City the actual cost of such maintenance plus fifteen (15) percent.

## 2. Extension of Term. Section 18 of the Agreement is amended and restated to provide as follows: "Subdivider shall complete all of said Work on or before\_ within such further time as may be granted by the City Council." 3. Agreement Remains in Effect. Except as expressly revised herein, the terms, conditions and requirements set forth in the Agreement shall remain in full force and effect. Any terms not defined in this Amendment shall have the meaning set forth in the Agreement. IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written. APPROVED: CITY OF LANCASTER (Signature) By: City Engineer President (Office Held) FORESTAR DONADO SKIES, LLC Partnership or Corporation represented, if applicable

ALL SIGNATURES MUST BE ACKNOWLEDGED BY NOTARY

By: City Attorney

APPROVED AS TO FORM: